

Minutes of the Meeting of the  
Maine Atlantic Salmon Commission Salmon Board  
Inland Fisheries & Wildlife Conference Room  
Augusta, Maine  
December 3, 2002

Attendance: Salmon Commission Board

Lee Perry, Chair  
Paul Frinsko

Salmon Commission Staff

Fred Kircheis, Executive Director  
Joan Trial  
Henry Nichols  
Karen Bickerman  
Randy Spencer  
Paul Christman

Others

See attached attendance list (Attachment 1)

Lee Perry called the meeting to order at 10:10 am

**Agenda Item 1 – Introductions and opening remarks**

Chair **L. Perry** welcomed those in attendance. Introductions were made around the room. Due to another commitment, Board member **George Lapointe** was unable to attend the meeting.

**Agenda Item 2 – Approval of the September 25, 2002 Board meeting minutes**

**THE BOARD APPROVED THE September 25, 2002 MINUTES UNANIMOUSLY. (2-0, MOTION BY PAUL FRINSKO, SECONDED BY LEE PERRY.)**

**Agenda Item 3 – Experimental incubation boxes on the Kennebec River**

**Paul Christman** gave a presentation regarding incubation boxes on the Kennebec River. (Attachment 2) **P. Christman** explained that he had applied to the Technical Advisory Committee (TAC) for permission to receive 30,000 F-2 Penobscot Atlantic salmon eggs. For the past year or so he has been gathering information by talking with salmon clubs and Trout Unlimited groups, that are using streamside incubation boxes as a restoration tool throughout the United States and Canada. He began looking at these boxes to see if they could be used in Maine.

The streamside incubation boxes are a simple, low cost way of introducing fairly large numbers of fry into watersheds. They are used for many different salmon species as well as trout. To the best of his knowledge, they have not been attempted in Maine. However, they are being used for Atlantic salmon fry in Eastern Canada.

He picked a couple of types that are the most popular. **Slide one** shows a Whitlock Vibert (WV) box laid inside an old refrigerator. They are using over-the-counter, easy to get items and a refrigerator is easily made into a watertight compartment. A pipe is laid into the stream with a gravity feed water supply. Holding chambers, or settling chambers, were built into the boxes because some granular sediment was expected to come into the boxes. There is a meandering channel built into the boxes for the water to flow through.

These are Whitlock Vibert boxes (**Slide #2**) and each of these boxes would be filled with 250 – 300 eggs each. Water would enter and meander through the Plexiglas baffles and the fry would be captured in a chamber at the end. There would be a screen across the outlet so the fry could be caught and enumerated.

Another very popular style with Atlantic salmon eggs (**Slide #3**) is a deep substrait incubator. This one is much smaller than others used in Canada. Obviously, ASC would be incubating a smaller number of eggs in these; about 5,000 eggs in each. There are several layers of poultry nesting material and the eggs are laid in between the layers. Water would go in, circulate around the eggs, and go out through a pipe that is not in the picture. The nesting material is perforated, and the fry may be captured in the chamber.

**Slide 5** shows a picture from a Trout Unlimited restoration project in Pennsylvania. This is what the WV boxes look like when there are eggs in them. To try to diversify and not put all of our eggs in one basket, we have decided to use these two types

The Sandy River, in the Kennebec River drainage, has been chosen for this work. The Sandy River has features that are thought to fit very well with streamside incubation. **Slide 6** shows a map of where these boxes would be located. Most of the sites ASC is looking at would be up in the Sandy River drainage primarily because we are looking at a fairly high gradient stream and wouldn't necessarily need much for piping, which is a problem in a low gradient stream.

Another reason to pick this river is that hatchery stocks are not currently supporting it – and there aren't any salmon in the Kennebec River. If there is a move to an active restoration in the Kennebec, and if these boxes work, then this could be a way of starting active restoration until a hatchery can come online.

**Slide 6** shows a typical stream and one can see the fairly high gradient stream and some larger substrats.

**Slide 7** is the upper site, way up near the top just below Small's Falls. ASC has mapped the entire habitat here. **P. Christman** said that he was planning on using six incubation boxes with 5,000 eggs each, for a total of 30,000 eggs, in at least three streams. He would like to take the resulting fry being caught as they swim out and stock them into these streams.

This is really just a normal piece of habitat up there with a lot of ripple habitat, fairly shallow and very electrofishable. ASC has doing some electrofishing to see what is currently up there for species. It is 30' to 35' wide and most of it is less than calf deep. He would like to follow the fish for a couple of years. Growth rates from these streams could be compared with some of the other rivers to see if these streams are on the same level. Obviously, it is close to where we'd be incubating these fry, so it would be an advantage to put them in there.

**J. Trial** said that this was a heads up so that this would not be a surprise next spring when ASC come to the Board with stocking recommendations. She said that ASC has this program and if the Board had a problem with stocking in the Kennebec, now is the time to say so. ASC would figure out an alternative for the fry to go after the boxes are tested. The question is, if the Board had approved this in terms of stocking the fry in the Kennebec came up at the last TAC meeting. The ASC just wanted to have everything up front.

**P. Christman** stated that eyed eggs were requested, so they haven't been received yet. The streams, as well as the main stem, have been monitored for water quality. ASC will be installing the boxes and watching them to get a handle on freeze up and other issues that may have to be dealt with before the eggs are received. If all goes as planned, the eggs will be received about the first week of February.

**John Burrows** asked if **P. Christman** was going to somehow track the juveniles or was it just direct observation or electrofishing? **P. Christman** replied that electrofishing was probably the best bet. Pick one area and stock essentially everything within a short distance. It will depend on how the hatching actually goes. If we end up with a lot of fry, maybe we'd spread them out a little. But he would pick just one stretch and with any luck those fish wouldn't go very far.

**Larry Miller** asked if the fish were self-contained in the unit after hatching. **P. Christman** replied that yes, they are. There is a screen over the outlet and the fry won't be able to leave. **Ralph Keef** asked which Canadian rivers have been using this technique. **P. Christman** stated he had talked with Bob Baker at Nepisiguit and they are using these incubators. And also the Mactaquac is using them. **George Pr  tat** asked if the heavy population of brown trout down stream would cause a problem. **P. Christman** replied that they had seen a couple of juveniles, but did not think they would bother. During electrofishing they had found one brown trout fry, and one brown trout maybe 5" long. There are more brown trout further down stream.

**John Burrows** ask if **P. Christman** had consulted with the federal agencies on stocking DPS fish outside of the DPS. **J. Trial** said these weren't DPS fish. They were captive reared Penobscot. They are not listed. There is a letter to the TAC saying it is OK to stock the Penobscot wherever. **J. Burrows** asked how this fit in with the strong recommendation by the National Academy of Sciences not to do anything to the Kennebec. **J. Trial** said that the ASC is not making a decision on what stocks are going to be used to restore the Kennebec River. We are doing an experiment.

**P. Christman** said that this is not restoration; this is an experiment. **J. Burrows** agreed saying it was still an experiment within the Kennebec Watershed. **P. Christman** said that it was outside the DPS.

**Matt Scott** asked if the hypothesis was to check the efficiency of the incubators. **P. Christman** said ASC is tracking exactly how much it would costs to put the incubators together; how much time there is in monitoring them; supplies that are needed. The ASC wants to see if it is a viable alternative, in certain circumstances, to have watershed councils or Trout Unlimited Chapters running them. From what **P. Christman** has seen in other states and by talking with program leaders here and in Canada, once some interest is started regarding streamside information, some of the programs have started. Generally, the agencies will develop some protocols and some documentation of designs for the incubator boxes, what their limitations may be and how to go about starting an incubation box program.

**F. Kircheis** replied to **J. Burrows'** concerns. This was thoroughly reviewed by the TAC that included members of the federal agencies who are involved in the Endangered Species program and they gave it their blessing pending this board's approval. **J. Burrows** replied that he was just concerned because even though this is just an experiment, there is still a potential that 30,000 more or less fry could go all the way downstream, go out and eventually come back. It seemed there was still that potential. **J. Trial** replied that out of 30,000 fry stocked, there might be one adult expected in a generation comparable to the Penobscot. **P. Christman** said that if they do return, they could be moved back upstream. ASC will have the capability of capturing them at that time. **J. Burrows** said he raised these concerns because of using the Penobscot fish when there are a small number of wild Kennebec fish there. **J. Trial** asked where these fish were. **J. Burrows** replied that they had been documented every year. **J. Trial** said that the new genetic papers say something different about what the source of those fish are. **J. Burrows** said that it is unknown, at best, what their origin is.

**J. Barresi** asked if **P. Christman** had researched the material on hatching systems. There are two improved systems. One is a bottle. A small bottle can take about 25,000 eggs. Green eggs are put into it and the eggs will eye in the bottle. The dead ones come to the top and can be skimmed off. Fry happen right in the bottle and it's all contained. You bring a pipeline in from outdoors with filtered water. The bottles are guaranteed by the manufacturer to work on all salmonids. **R. Spencer** was shown a large example of it at the Gray Hatchery in Canada. They're doing nearly 2 million eggs a year. These bottles are also easy to make. They take a 55 gallon plastic barrel with an underwater piping. Filter the water. Put about 40,000 eggs per landing. Put some rocks in, put a rubber mat on and put another 40,000 eggs in. You can grow 100,000 eggs in a 55-gallon barrel. That is all proven and needs no experimentation. These bottles cost about \$150. To do 100,000 eggs, the bottles cost \$342. In fact, just to keep up, ASNM has bought one. ASNM is happy with their bottles and they are easier maintenance. But they can convert their facility for about \$6,000 to a new system. He said that ASNM is adaptable to changing technology. He said that with all his experience and his Canadian friends experience with streamside technology, they get a volunteer to do a lot of the work. ASNM

looked at streamside and decided not to do it. They institutionalized it so they could get the biggest production with the least amount of work.

**P. Christman** said he thought a hatchery was obviously the way to go, but this wasn't anywhere near a hatchery facility, particularly the Kennebec drainage, or even other drainages. He said he'd looked at the bottle idea, but was a little uncomfortable trying more than a couple of different kinds and ways of doing it in a single season. He narrowed it down to the two ways which he knows have been down for a number of years and he knows their popularity. There may be better way to do it, but these two ways looked the most promising; At least in talking with the people in Maine and Canada who are using these extensively. He felt comfortable with what the predicted outcome would be. There is a potential to perhaps try green eggs in the future.

**F. Kircheis** said he thought there were some advantages to these boxes that have been demonstrated on other species in other locations. These are designed not to require maintenance or tending. When operational, not experimental, the fry swim out on their own accord with no handling. They never have to be transported. They never have to be handled at all because once the eggs are put in and the cover's on, there is no need to go back again until the next season because of the way they are designed internally. That is why ASC are experimenting with them.

**Mike Herz** asked if the TAC had discussed this as a broad strategy rather than just a one-time activity. Also he wondered where this item sat programmatically on the ASC agenda long term.

**F. Kircheis** said that this item didn't have a long-term agenda at this point. The ASC will look at this experiment to see what happens after it is evaluated. There are several long-term strategies that are still awaiting development. We are still awaiting the final adoption of the Recovery Plan. We are still awaiting the National Academy of Sciences review recommendations. We will weigh all of those in consideration when developing long-term strategies. **P. Christman** said since this is really preliminary, ASC doesn't know what the potentials or limitations are at this point. From some of the information ASC can collect from these boxes, we can make a decision on whether it's in any long-range plan or not.

**L. Perry** asked if the board needed to make a decision now or when the stocking requests were made. **J. Trial** said this was a heads up and the board would get a stocking recommendation for the Kennebec. **L. Perry** said hopefully by then the board would have the NAS report and a little bit more insight into this. **J. Trial** agreed saying that this presentation was so the board would not be surprised when it saw a Kennebec line item on the stocking report.

#### **Agenda Item 4 – Final return and redd counts**

**J. Trial** said that these are the final counts for the returns where the ASC has weirs, but are still opportunistically getting numbers for the redd counts. **P. Christman** had given her two numbers this morning; so there may not be total escapement information in terms of redd counts.

Starting with the Penobscot (**Attachment 3**). The return this year was 780. Looking at 1996 through 2002, the 780 figure is essentially the same as last year. In looking at the box (page 2), there is still a relative long-term decline. In comparing the last four years to 1999, which was good relative to what we have seen lately. The distribution in time was comparable to the returns in 2001. A great proportion of the return for the Penobscot was one-sea-winter fish and that provided us an opportunity for the PIT tag project. It is really a little bit of an increase in survival of one sea winter fish from that stock fish cohort, but it's not out of line with survival that we've seen in the past. We don't know what it means in terms of next year's two-sea-winter returns.

Returns in the other rivers, highlighted at the bottom, are the 2002 returns. The Union is up, the Narraguagus is way down, and the Pleasant is way down. The Dennys had only two. Both of those were grilles, both were from hatchery stocked smolts. The St. Croix had 20. The Androscoggin had two. The Saco had 47 which is down from last year, but not out of line with the previous five or six years. The Aroostook was down this year.

Spawning activities. We look at the rivers with traps. Redd counts are still low. Obviously no returns on the Pleasant; no redds. On the Dennys, the two fish that returned were grilles and both probably male. No redds. The Narraguagus had six redds, which is down from last year, but is commensurate with the number of females that returned and what we expected.

Looking at some of the rivers without traps, the East Machias, the Ducktrap. The Ducktrap was zero last year and zero again this year. The Sheepscot is up to four now, and the Machias is also up to four now. On the rest of the lower Penobscot tributaries, this is the second consecutive year with no spawning.

The good news is that the captive-reared returns, primarily escapees, were significantly lower this year in Cobscook Bay than last year. For the Dennys and the St. Croix a total of nine compared to a total of over a hundred last year. In the Penobscot, there were five captive reared returns. It is ASC's assessment that these were probably Green Lake Hatchery origin fish since they weren't marked in any way. They had the scale signature of a captive-reared fish and they were declined access because ASC couldn't confirm if they were aquaculture or not.

The fact that we had all these grilse and that we started a cooperative PIT tag program with USGS Lab, gave us an opportunity to put fish up river. In fact, ASC put 376 fish up river with PIT tags in them. Each of the fishways, Great Works, Milford, Howland, West Enfield and three of them on the Piscataquis system and then Mattaceunk; they all were wired so we'd know when fish came. For the course of the whole season, 80%-90% of the fish passed through Great Works and Milford. When they get to Howland and West Enfield, they need to make a choice. Will they go into the Piscataquis system or continue to migrate through the main system. These numbers between Howland and West Enfield end up being greater than a 100%, because 81 of them passed both and if they weren't detected further up in the system, we don't really know which one they eventually ended up in. That number will end up higher. One thing that is interesting was we saw 161 fish pass Howland, but only eight went above Brown's Mills. That says that somewhere between there were a bunch of fish. **R. Spencer** and his crew had the opportunity to do redd counts on the Pleasant River and found six redds. That is commensurate with the number of females that probably went into that system based on the visual VIE marks.

Not many of the fish that passed West Enfield passed Mattaceunk. Those would be the East Branch stocked fish and then these would be the Mattawamkeag stocked fish. We have a significant amount of information on adult migration through the Penobscot this year that we knew very little about in the past. This is the good and exciting news.

To summarize, for the adult returns DPS and Penobscot, there were 76 fewer than in 2001. Redd counts are depressed again. The lower Penobscot had a second consecutive year without spawning and ASC has gained a significant amount of data on migration movement in the Penobscot.

**F. Kircheis** said that just recently ASC received the final counts on returns to 17 locations in the Maritimes; in New Brunswick and Nova Scotia. On all 17 of those counting facilities, the returns for multi-sea winter fish were below last year and significantly below their five-year average. For the grilse returns, some rivers were a little higher than last year, and some rivers were lower than last year. But for the multi-sea winter fish, which is what we are looking for, what we are experiencing in Maine is being experienced throughout the Canadian Maritimes. This includes the Miramichi and some of the other big rivers that we all look up to as saying that this is what we should be doing. Last year at the Cassilis trapnet, they had 1197 fish and this year they had 207. That is a pretty dramatic decline. They aren't all that bad, of course. But every one of those sites was below last year.

**J. Barresi** asked that regarding the numbers for the Aroostook; there are no other rivers in the system where there are any trucked fish. In the Aroostook there are trucked fish. **J. Trial** said that the numbers she had were just past the fishway and that she didn't add the trucked fish. **J. Barresi** said it skews the view of what is in the river. **J. Trial** asked how many were truck and she would add them. **J. Barresi** replied it was over 100. More significant than that on the Aroostook is the free-swim fish. There were only 1400 fish in the whole St. John River that were allowed to free swim. The reason why is that at Mactaquac they'd gone to a dedicated, let's save the gene pool attitude. They've taken all the large, wild fish, especially the prize fish, of the rivers. The Serpentine River fish are the prize fish of the whole St. John River system. They are great big fish traditionally grown in the St. John. They are the ones from furthest upstream. The strongest fish. They have the most power to go the distance and they genetically want to go the distance, because they are the first one across the gate on the 4<sup>th</sup> of July. They are the new potatoes,

peas and salmon fish from the St. John River system. That's why they are separated and that is why ASNMs egg broodstock from there has been Serpentine because they are the very best. Instead of trucking more fish on an allocation against what you stock, you deserve these many back so we truck them to you. They've interrupted that because of the gene pool and this egg production. We have a skewed picture to the public about what the Aroostook is doing and what it is able to do.

**M. Herz** asked what was the number in 2001 compared to the 76 fish this year. **J. Trial** said she'd have to go back to the spreadsheet to see that. Similarly, there is a percentage with numbers on the total redd counts. What were they last year? **J. Trial** said she would get those numbers to him. **F. Kircheis** said that the guys were just wrapping up in the field and all of the data hasn't been analyzed. It is just preliminary figures.

**F. Kircheis** said that the PIT Tag experiment is the first year of a multi-year study. In fact, there is a graduate student that will be starting at the University of Maine that is going to use this as the basis for his thesis. It will be a very in-depth study that will go on for several years. He thinks it will give the ASC some really good information that has been lacking and only conjectured in the past.

**J. Barresi** said he'd been to a salmon meeting at Craig Brook on Saturday and he wanted to bring up something. What if you have a river where you know everything that is coming through, like in the weirs, or, in the case of ASNM, several dams? Every fish is counted hands on. You know whether it is male or female. You know what it weighs and what age it is basically. It is a waste of time and money to send a man, boats and motors, etc., to go up and down the brook looking for where fish spawn. The Aroostook River is 120 miles long. ASC would have to spend a lot of money to look there. **J. Trial** said that ASC does the redd counts on some of the rivers where there are traps so that we can build a relationship and use redd counts to predict returns. **J. Barresi** said that the Canadians have developed a formula, where if they know what is in the river, they only have to plug those numbers in and get what they want to know. **J. Trial** replied that she understood that, but she was saying that if there is a river where there you don't have the counts, but you do have the redds, it gets you back to what you might have had come into the river. That is where we are going with it. **F. Kircheis** said that ASC is in touch with the Canadian scientists and is familiar with what they are doing.

**Jerry Marancik** said that they'd finished spawning a week ago at Craig Brook and that there were four weeks of spawning. It was really quite a show because it wasn't just spawning. It was PIT tagging, family batches, the whole thing. He said there was a lot of help from the Salmon Commission, which they could not have done without. NOAA also gave a lot of help and that, too, is appreciated. Thank you.

#### **Agenda Item 5 – Aroostook River MOA update**

**R. Spencer** said that at the last Board meeting, a joint contract between the State of Maine and the government of Canada DFO was discussed. The State of Maine Attorney General's office reviewed that contract and found items in it that would be unacceptable to the State of Maine. Most likely with the changes that would be required, it would likewise be unacceptable to the Canadian government. The Board requested that he prepare a contract between the State of Maine and ASNM in lieu of an intergovernmental contract. The Attorney General's office was of the opinion that it wouldn't create any legal issues; it would accomplish the same task by routing the money through a different avenue. (Attachment 4) This is essentially the same agreement that was discussed at the last meeting, only now written as an agreement between the State of Maine and ASNM.

The core of the agreement is under Rider A. **J. Barresi** asked if ASNM could have several minutes to go over the new contract. ASNM had been moving on Sunday when **R. Spencer** tried to fax it to them. **L. Perry** tabled the item to give ASNM a chance to read through the new contract.

**F. Kircheis** said he had several housekeeping things he could cover that weren't on the agenda. Scientific American spent some time with ASC staff Downeast and they are going to have a PBS program on Atlantic salmon issues. It will be on public TV on January 28, 2003. He didn't know what time, but suggested all try to tune in.

On December 18, at 3:00 pm, ASC is going to present a painting to the family of Charlie Shoppe at the Craig Brook National Fish Hatchery. This will be done in conjunction with the staff at the hatchery and the Friends of Craig Brook. All are invited to attend. George Pr  tat very generously donated a print that ASC has had framed and it looks very handsome.

**F. Kircheis** went on to say, that the East Machias Weir, as everyone knew, had to be relocated from the Gaddis Pool and ASC has been working with the community to find alternative sites. Some progress is being made. **J. Trial** gave a brief update. Ron Taylor, Al Blott and John Jones went out to the site at 191, looked at it and got estimates of the area of land that would be needed for construction so that ASC could start negotiating with those landowners. She had sent those numbers to **H. Nichols**, but doesn't think he's started to negotiate with the landowners yet. This may be something she will do or do through DOT because Allen has offered. DOT may be willing to help ASC with the negotiations because they have staff that does that. Ernie Atkins is reviewing the access on both sides of the river on the Chase Mill Stream so that we will know which landowners to approach for access on those. Ron Taylor is checking with Bureau Purchases to find out what our limits are and how we can proceed. He and John have some intriguing design options in their heads and we may be able to do the design by design-build combination and then have a contract for detailing. Just make a plan so that Norm Dube can do the permitting and also to contact the company in Idaho that builds floating weirs to get an estimate of how much land is needed on the edges of Chase Mill Stream. We do have verbal permission from all the landowners to do a survey. Our tact is to do what we need to get a town permit: which is a signed deal with the landowners. Once we have that we can get a town permit.

G. Zegers suggested that when talking to the landowners, especially on Chase Mills Stream where there is so much habitat, ASC should consider opening up the discussion about conservation easements. It shows a bigger picture of what is being accomplished. **F. Kircheis** said that was a good point. Because of the status of ASC staffing at this point, that is not something ASC is going to be comfortable doing. ASC would be happy to have the East Machias Watershed Council participate in that part of the activities, and it might be a good way to smooth negotiations with all involved. **F. Kircheis** said that right now negotiations don't seem to be at all rocky. But he thought the idea of conservation easements up in that area would be a really nice idea. If the East Machias Watershed Council would take that on as something they wanted to do, ASC would be happy to be non-financial partners with them.

#### **Agenda Item 6 – Status reports on Conservation Plan, Recovery Plan and land protection efforts**

While the group from ASNM was still going over the contract from **R. Spencer**, **L. Perry** suggested that **H. Nichols** continue with Agenda Item 6.

**H. Nichols** said that **F. Kircheis** had asked him to give a summary of the Conservation Plan this year, activities and talk a little bit more about some of the land protection projects that are going on as well. The fifth year of the Conservation Plan is not unlike the previous four years. There have been some disappointments. Some of which you've heard about today. There have been successes as well. He did not want to belabor the disappointments. The reason for them is not for lack of effort. The most disappointing of all is perhaps through the population assessments, the returns to the eight rivers that we have been working on with the Conservation Plan. None of us expected such a deep decline as we've seen in the last year and we are keeping our fingers crossed for something better.

What we have been able to do this past year is to keep some momentum going on some projects that really started three to four years ago. Notably those are projects related to water use management. With a little bit of money, we have been able to do some significant things on several of the rivers. Notably, the Narraguagus, the Pleasant, and the Machias. We have better data coming in on water flows than we've ever had before. **J. Trial** and the team continue to work on being able to use that data and we will be able to predict flows in the upper reaches at some point in the near future. We are working closely with the USGS on that. That is a real positive and something we haven't had before.

We continue to work with our partners who are working with local irrigators and farmers in developing whole farm plans and irrigation plans so that we are assured that they are using conservation practices when they put the irrigation systems in. That's a positive as well. There has been a heightened awareness, both this year and the past couple of years, on the importance of

proceeding carefully when talking about irrigating. Not only from near and far field wells, but also directly from streams. The trend has been to get irrigation pipes out of the streams and that is continuing.

Other initiatives. These are tough ones and you probably know about them better than I, but we have been attempting to work with the aquaculture industry to get marking protocols in place. It has been painstaking. There are people here who have spent enormous amounts of time working on this and we still don't have anything in place. We are increasingly hopeful that as the Conservation Plan continues and the Recovery Plan kicks in place, that we will have something meaningful with the aquaculture industry in terms of loss control and marking.

On the habitat protection side, I will say that it is probably one of the brightest lights that we've seen in the past few years. Not only have our local partners, the watershed councils and land trusts, been very active in habitat restoration projects, but also land protection projects. They have done this because we have been able to use some of the seed money the legislature gave us to leverage other monies as well. It has been a very positive experience not only for those local groups, but also for the ASC. The ASC has reaped the benefits of some key acquisitions. We now have land on over 60% of the habitat in the Dennys River for example. This year we have initiated a comprehensive management plan for those lands using the expertise of Kleinschmidt Associates and a stakeholder group. That management plan is due to be done next summer, perhaps a bit sooner. The ASC is suddenly a fairly large landowner Downeast. ASC will be working with local groups there to develop a plan to allow that land to be used as it has been for hundreds of years. It will also allow a limited amount of timber harvesting, but keeping habitat protection as the primary goal. That's a real positive as well. It is something that we haven't had in place before, but is now firmly in place and steaming forward.

The other initiative I wanted to mention is that the Machias River Project, which is the Commission's largest habitat protection project, is still going forward. We actually have done remarkably well in fund raising, although that has slowed down given the state of the economy. We are in pretty good shape that way. We have two large grant requests out and hopefully will complete Phase I of that project, which is everything from the outlet at Third Machias Lake southward. That is an initiative to establish a 1,000 foot buffer along the Machias and its major tributaries with a mix fee acquisition and conservation easement. That is still going forward. Right now we are completing an appraisal on that project and will have those figures soon. We will begin to collect some of the grant awards that we've been awarded thus far so that we can have those in place and negotiate price for that project. That will be happening over the next six months.

Other state agencies have been continuing to do the good work they have been doing for the past five years on the Conservation Plan. The Department of Agriculture, the Department of Conservation, IF&W, and Marine Resources have all devoted resources to their piece of this pie. We see no reason for that to stop, of course. We don't want it to stop. As I have said, there has been some momentum here. I think the change in the administration and with the advent of the Recovery Plan; there is also a period of uncertainty that we are in. So, people are taking a wait and see attitude. That is not to say they are not doing work in the field.

Again, one of the brightest lights is the emergence of our local partners on many of these initiatives. We have, for the first time, active groups on each and every one of these streams. That has been, in part, because there was some funding to help get them started, but also, they have been very adept at finding some of their own sources of funding and that has been important. The result has been really looking for opportunities for stream restoration projects, finding them and carrying them out to completion. Looking for opportunities in working with landowners on permanent protection. Those all continue today.

We have completed our grant program, which we received money for two years ago. Those funds have been used for a variety of things, but most importantly we have some permanent protection in place and by the end of this month, those projects will be completed.

That is really my summary on the Conservation Plan. The Recovery Plan, you will remember, the Commission reviewed a technical draft of the Recovery Plan, provided comments to the services and met with the services last month to talk about those. We now have a plan of action to go forward and hopefully modify that draft with some our suggestions. Joan is working with the team and another draft should be out in January 2003. That is moving forward as well, but there are some very difficult issues



that they are grappling with that I am sure the Board will hear about them and have a chance to comment on them as well. The public will have a chance to comment on the Recovery Plan, starting in January or February.

**P. Frinsko** asked what the target date was for completion of the rights of acquisition on the Machias Project. **H. Nichols** replied that there are two phases. The first is from Third Lake south. WE hope to close by this time next year. That's the target on that. The lakes portion is Phase II and that depends on funding, so we can't set a target date. **P. Frinsko** asked if **H. Nichols** was comfortable with the funding he had for Phase I. **H. Nichols** said they were close and think they will be able to complete that phase. Right now there is a draft easement out, which the attorneys for the landowner and the state's attorneys are reviewing.

**L. Perry** asked if **J. Trial** had anything to add regarding the Recovery Plan. **J. Trial** said that a small group, she, Dave Perkins (USFWS) and John Kocik (NOAA), were charged with two things. One was looking at the Recovery objectives, and there are some issues associated with that based on technical comments that came back both from NMFS and some ASC concerns. Also with the implementation schedule and the complexity of it in trying to purge some of the more detailed tasks out of the table and back into the total plan itself. There is another meeting on December 9, to discuss those changes and then more strategy.

**M. Herz** asked that with the land acquired by the ASC that it now holds, does ASC have a management plan and/or a stewardship plan and how would it work. Are the state and IF&W charged with stewardship and monitoring of lands. **H. Nichols** said that the ASC is charged with the annual monitoring of that property. As was mentioned earlier, Kleinschmidt Associates has been hired to help ASC develop a comprehensive management plan and they are in the process of doing that right now with a lot of stakeholder involvement. Two weeks ago, they had stakeholder meetings in Dennysville and had almost 40 people attend to discuss how local people might be involved with helping with developing that management plan. We will have that by next summer.

**F. Kircheis** said that **H. Nichols** has done a tremendous job for the ASC. He said that **H. Nichols** didn't want him to say this, but he's leaving the agency and going on to bigger and better things with a private land trust and **F. Kircheis** wanted to take this opportunity to publicly thank him for all of his efforts on behalf of the ASC, and on behalf of the land protection efforts that he's done with the Conservation Plan. It's been exemplary. He thanked Henry very much. **H. Nichols** thanked **F. Kircheis** and replied that it has been an honor to work with the Commission. He's made some good friends here. **Matt Scott** said he believed Henry deserved a round of applause. (Loud Applause). **L. Perry** said he seconded **F. Kircheis** comments. He said that **H. Nichols** has been with the Recovery Plan since the start, and certainly has been the glue that has held it all together and it is much appreciated. **H. Nichols** thanked all.

**Dave Bell** asked to go back to the Conservation Plan for just a minute. Obviously, things get difficult within state government with the change of administration and those types of things. However, in his mind he believes we need to be pretty bold on what the needs are for the different components as far as resources go. From what he knows of Governor-elect Baldacci, he thinks he'd be more than willing to use his contacts before they get cold, down in Washington, to pursue the past as well as look different opportunities. Obviously, **D. Bell** is more familiar with the water use component and the Wild Blueberry Commission will continue to do their piece with the USDA and other agencies. There is nothing wrong with currently articulating what resources are needed for different components and having something ready to go for the new administration. He encouraged the Commission not to be bashful and put down what we need and start knocking on the door.

**L. Perry** said it was a point well taken. Certainly at the state level the budget is getting tighter and tighter and many of the folks in the room are advocates for the funding that got the Commission to where it is. We are going to have to be vigilant to make sure that the budgets that are there at least remain.

#### **Agenda Item 5 – Aroostook River MOA update - Continued**

**L. Perry** said that the Board has a document before it. It is essentially a rewrite of the agreement that the Board had before it at the last meeting only now it is put into the context of a state contract with ASNM as opposed to DFO. He asked **J. Barresi** if he concurs with that. **J. Barresi** said he didn't think there was anything that was going to cost ASNM more money, and there are several things in here that are going to cost ASNM more money because it is done this way. The main thing being the exchange. ASNM is going to get caught with the exchange differential. That could be quit a bunch of money because the Canadian money is

really cheap right now. If you take \$100 American, that's \$157 Canadian. If that exchange rate changes, then ASNM has to pick up the difference. **F. Kircheis** said he might make money if it goes the other way.

**R. Spencer** said that this is a standard contract. Under "Amendments" there may be the possibility to compensate for that. **J. Barresi** asked about number 21, the liability insurance. The way insurance companies see things now, he has no idea what that might cost. It might be very cheap but it could also be horrendous. However, in looking at this right now, he says to go ahead. He didn't see any showstopper. He felt the Canadians were anxious to have a contract. We have to start someplace and as time goes on we'll find the money to do it, together. He believed it was fair. Someone asked at the last meeting, what happens if ASNM fetches up? If ASNM is gone, then state doesn't pay anything. But that isn't going to happen.

**L. Perry** said he believed this is going in the right direction and that he has always appreciated the work that ASNM has done. ASNM and some of the other private organizations have done great work in getting these small hatcheries going and it is much appreciated. He felt that in the interest of full disclosure, ASC is entering into this with the hope and expectation that we will have this money in our budget at the time these come due. This first installment is not a problem. It is hard to predict what the future will be. From a personal standpoint, if he's still around, ASC will continue to try to work with ASNM and make sure the funding is there to keep the program going. But, there are no guarantees. We are entering into it in good faith that there will be money.

**J. Barresi** said that there was no guarantee that ASNM could raise a half a million dollars to build a fishway, but it happened. Everything is paid for. Over one million dollars worth of stuff in the ground and it's paid for with no state, federal or Canadian monies. All private funds. They have a lot of faith they can continue to operate in that way as they have for 30 years. He wished that the Maine Salmon Council had it in their heart to endorse and urge passage of this. He had asked for their blessing, but Bill Townsend hasn't given it yet.

**P. Frinsko** moved that the Board approve the proposed services agreement between ASNM and the Commission and authorize the executive director to sign it on behalf of the Commission in substantially the same form it is presented to us in this meeting.

**L. Perry** seconded the motion.

**THE BOARD APPROVED THE ACCEPTANCE OF THE AGREEMENT UNANIMOUSLY. (2-0, MOTION BY PAUL FRINSKO, SECONDED BY LEE PERRY.)**

**L. Perry** thanked **R. Spencer** for all the work he'd done on the project.

#### **Agenda Item 7 – Executive Director to address the Board**

**F. Kircheis** said he'd like to take this opportunity to say goodbye to all. He is taking his retirement at the end of December. He has been with the Commission for three and one quarter years. When he took the job, he promised he would take it for three years and it is time to go on to other things. Mostly, fewer things and hopefully less stressful.

This has been a very challenging experience and a learning experience for him. He has developed a lot of new associations and a tremendous new appreciation for the complexities of working with State and federal governments and trying to get everybody to get on the same page and strive for the same goals. He has been somewhat successful in reaching the goals that he set for himself and the agency. It has been enjoyable, but quite frustrating at times, especially for a goal-oriented person like himself.

He's had a number of accomplishments that he takes pride in. He has helped to develop the ASC staff into a really top-notch, highly professional unit. Getting good people on board, particularly like **H. Nichols** and **J. Trial** and **P. Christman**, who have just been able to work without supervision for the most part is an asset. It's been really easy because these are really good people. The staff has been working really well together in a unified manner and you've seen them here at these meetings. The work that **R. Spencer** has done for us, the innovations that **P. Christman** is doing, the broad-based science that **J. Trial** is supervising has all been very good for the agency and has really made his job be a lot easier.

In the last three years, relationships have been improved between the state, ASC, our multiple partners and the federal agencies. He thinks those relationships have gotten a lot better in the last three years from what he understands it was before on all fronts. Our inter-relationships with the Maine Blueberry Council are better than they were. We've developed great relations with The Atlantic Salmon Federation. Our relationships with the aquaculture industry, even though we have agreed to disagree on a number of things, have greatly improved. He takes a certain amount of credit for that. He was sure there are other things that he's accomplished that perhaps we know about and he doesn't.

There are a number of challenges that are yet unmet. People coming behind are going to have to deal with them. The weirs on the Machias River and the E. Machias River are goals he expected to have done before now. There are a number of reasons why, but it is still frustrating that they aren't done. Hopefully it will happen. We are going to have to adjust the ASC modus operandi to accommodate direction or recommendations that are going to be forthcoming under the NAS recommendations and the ESA Recovery Plan.

Our new governor has yet to weigh in on the state's Atlantic Salmon Conservation Plan. He has been trying to get an audience with him, but he is busy these days and we haven't had a chance to talk yet. When he does speak to the governor-elect, he will tell him where we are and make some recommendations on where he believes we ought to go. But the governor-elect is going to have to make those decisions and some of those decisions will weigh on how the ASC proceeds in the future.

The land protection schemes that we have accomplished on the Dennys River are tremendous. This is really a very good thing for the future of habitat protection and Atlantic salmon in that system. There are other on-going things that still aren't in the public forum that may improve that entirely. Even more so, because the Quoddy Regional Land Trust and the Downeast Rivers Land Trust are both active groups that are continuing to contact other landowners for other conservation easements. These are still percolating on the back burner and have yet to be moved to the front of the stove.

The Machias River Project is on going, as **H. Nichols** alluded to. We have every expectation that it is going to be a successful deal. But it is another year or so for Phase I and maybe another couple of years for Phase II. When that's done, it will be a wonderful thing for the State of Maine. Not just for ASC, but for all users and all creatures that live in that area. He understood from **Dwayne Shaw** that there are some other local issues on the Machias River that are being developed very rapidly that will add to the level of protection in that area. That is quite exciting.

Another thing that he'd hoped to make more progress on and have finished was to update the Atlantic salmon management plans for all the rivers. We have a habitat management plan that is being developed for the Dennys River. We've contracted that out to Kleinschmidt. As far as fish management plans, we can't very well have one just for salmon. We have to work with IF&W biologists and the marine biologist whether it is alewives or striped bass or whatever else. We have to work with all three agencies to develop comprehensive fisheries management plans. Those are delayed. That is something that the next administration will have to deal with.

He thanked the Board for their continued support in letting him run amuck on his own without keeping their thumb on him for the last three years. He appreciated their trust and support. He again thanked **H. Nichols** for holding my hand with the state Conservation Plan and helping him find his way around the labyrinth of state agencies. He thanked **J. Trial** and the biological staff as well for their vast expertise so he didn't have to meddle with any of that. He could just sit back. Each time he asked them for information, they had it and he could use it in ways to help the agency and hopefully help the fish. He also thanked the audience and the public for not holding him personally responsible for the continued decline of the salmon. Thank you.

**Gary Arsenault** offered a round of applause for a job well done and much appreciated. (Loud Applause).

**L. Perry** expressed his appreciation. When the legislation was passed to create the executive director position, one of the things that was envisioned was having somebody who could deal with the day-to-day activities and develop the relationships that **F. Kircheis** has developed and to have a hands on, day-to-day oversight of the activities that are going on. In all honesty, with some of the old organizational structures, whether it is the old Commission or the old Authority or what have you, it hasn't been there. He felt that moving many of these activities down to the local level has been the reason that it has been as successful as it has

been and **F. Kircheis**' ability to work with all the people in audience and all the professionals around the state and with the federal government has been the reason for this. It is much appreciated. He felt **F. Kircheis** has set the standard for the expectation of what the executive director should be, being the first one assigned to be as successful as he had. Thank you.

#### **Agenda Item 8 – Fill Executive Director's position January 1, 2003**

**F. Kircheis** said he had filed the paperwork with the state to request an exemption from the state hiring freeze so that the Commission can hire an executive director. He was told that ASC could not expect, in the short term, to fill his position and **H. Nichols** position. ASC could fill one or the other and the Board has agreed that the Executive Director would be the position that would be most useful to the Commission as a whole. He has been given assurances that the exemption will be forthcoming. He recommended to the Board that they fill the position as soon as possible and if that is not possible, to hire somebody full-time temporary right away. He recommended that an interim director be appointed. There is a candidate who's name he's made available to the Board, who has expressed a willingness to do this on an interim basis and who could step in with a minimum amount of a learning curve and sit down in his chair before it got too cold. He recommended strongly that the Board act on it.

**L. Perry** said they would go into an Executive Session following the last agenda item to discuss the matter.

A brief recess was called.

The meeting returned to order at 11:20 a.m.

#### **Agenda Item 10 – Approve 2003 Board Meeting**

**L. Perry** stated that the 2003 Board meeting dates were to be considered. Generally, the Board is OK with those as written. If there is a conflict, the dates will be changed.

**F. Kircheis** stated that after discussion with the Board and secretaries, Karen Bickerman had come up with the dates for the 2003 Board meetings. All the meetings will be held at 323 State Street unless at 8:30 a.m. unless otherwise posted. They are: March 11, June 3, September 9, and December 2.

**Dwayne Shaw** was curious about the times of the meetings. He felt 8:30 in the morning for anyone traveling from a distance is probably not the best time. Later in the morning or early afternoon would be better. **L. Perry** said the Board would leave the time at 8:30 a.m. If there is anything special that the Board has someone here for, then the time could be scheduled accordingly. If folks come from far away, we can schedule it for later in the agenda. If there is a particularly large agenda and start at 10 or 11, then that gets into the noon hour.

**P. Frinsko** moved to adjourn the meeting. **L. Perry** seconded. Meeting was adjourned at 11:40 a.m.

**THE BOARD WENT INTO EXECUTIVE SESSION IMMEDIATELY AFTER THE MEETING. EXECUTIVE SESSION WAS ADJOURNED AT 11:59 A.M.**